UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FINDTHEBEST.COM, INC,

Plaintiff.

:

v.

No.: 1:13-cv-06521-DLC

October 29, 2013

LUMEN VIEW TECHNOLOGY LLC;

DALTON SENTRY, LLC;

DECISIONSORTER, LLC; THE HILLCREST GROUP, INC.; EILEEN C. SHAPIRO; STEVEN J.

MINTZ; and DOES 1 through 50,

),

Defendants.

Jerendants.

DEFENDANT LUMEN VIEW'S NOTICE OF MOTION TO DISMISS <u>PLAINTIFF'S COMPLAINT</u>

PLEASE TAKE NOTICE that Defendant Lumen View Technology, LLC ("Lumen View") hereby moves this Court for an Order dismissing the Complaint in this action filed pursuant to Federal Rule of Civil Procedure 12(b)(6), as the Complaint fails to set forth a plausible cause of action in any count against Defendant Lumen View. In support of this Motion, Lumen View files herewith:

- (1) A Memorandum of Law in Support of Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6);
- (2) Attached Exhibits; and
- (3) A Proposed Order, submitted hereto as Exhibit A.

Dated: October 29, 2013 Respectfully Submitted,

STAMOULIS & WEINBLATT LLC

Stamatios Stamoulis (SS7949) stamoulis@swdelaw.com Two Fox Point Centre 6 Denny Road, Suite 307 Wilmington, DE 19809 Telephone: (302) 999-1540

Attorneys for Defendant Lumen View Technology, LLC

Exhibit A

IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FINDTHEBEST.COM, INC,	:
Plaintiff,	:
v.	: No.: 1:13-cv-06521-DLC
LUMEN VIEW TECHNOLOGY LLC; DALTON SENTRY, LLC; DECISIONSORTER, LLC; THE HILLCREST GROUP, INC.; EILEEN C. SHAPIRO; STEVEN J. MINTZ; and DOES 1 through 50, Defendants.	: October 29, 2013

[PROPOSED ORDER]

ORDER DISMISSING THE COMPLAINT WITH PREJUDICE

The Court has before it the Motion to Dismiss Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

The Court is of the opinion that the motion should be GRANTED.

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IT IS HEREBY ORDERED that	at:
All Claims are dismissed with I	prejudice to the re-filing of same.
This is a Final Judgment.	
SO ORDERED, this day of	, 2013.
	HON. DENISE L. COTE UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

This is to certify that on October 29, 2013, a copy of the foregoing MOTION,

PROPOSED ORDER, and MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO

DISMISS was filed electronically and served by mail on anyone unable to accept electronic

filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's

electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the

Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

By: /s/ Stamatios Stamoulis

Stamatios Stamoulis (SS7949)